UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,476	12/23/2003	Jong-Goo Lee	678-1264	9615

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EXAMINER
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ART UNIT	PAPER NUMBER
2179	

MAIL DATE	DELIVERY MODE
04/21/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	10/743,476	LEE ET AL.
	Examiner	Art Unit
	STEVEN B. THERIAULT	2179

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 April 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

/Weilun Lo/
Supervisory Patent Examiner, Art Unit 2179

/Steven B Theriault/
Examiner
Art Unit: 2179

Continuation of 11. does NOT place the application in condition for allowance by: The applicant's request for reconsideration has been carefully reviewed and is not persuasive for the following reasons: The examiner refers to MPEP 2123 that states that an entire reference cited is considered relevant to the rejection and not just the cited sections. Turning to the arguments, applicant argues that the Examiner has not provided evidence that the claim limitations are present in a single reference. In response, the examiner refers to page 2-3 of the final office action mailed 02/07/2008 where the examiner provided the rejection and cites a single reference for the rejection and only refers to the Hoffberg sections in the rejection. In the arguments section, the Examiner mentions to the applicant that the background section provided several incorporated by reference patents that the applicant should consider. MPEP 2163.07 specifically states that incorporated by reference patents are as much a part of the text as filed then if they were repeated in the text. Moreover, what is relevant in the background art (See column 1, lines 30-50) Hoffberg states that intelligent or learning systems are known in the art . Given that the invention is directed to an adaptive learning system that tunes user interfaces as an output of the learning algorithm, the background is relevant and all of the incorporated by reference patents that teach the state of the prior art. Column 2, lines 10-15 further emphasizes that adaptive and/or responsive computer interfaces are known in the art. All of which should be relevant to the claims as they are directed to a learning module that detects user interaction to proactively modify an interface. Therefore, the arguments were provided to state that the background of the art is relevant and provide evidence as to the state of the art. Second, the applicant argues that the Examiner only points to column 85 out of the 196 columns where the teachings on column 85 are contrary to the claim limitations of proactively altering at least one function on the user interface according to said pattern. However, in the final office action rejection the examiner also refers to column 10, lines 15-31 and Figure 15. In column, 10, Hoffberg expressly recites embodiments of the invention that involve pattern recognition that examines data sets and signal analyses. In figure 15, Hoffberg teaches one example where input instruction is received and the analyze program analyzes the input to predict the users next action and then displays it. In the claim, the limitation states " proactively altering at least one function of the user interface according to said pattern". The plain meaning of the claim, as the Examiner is instructed to assess (See MPEP 2111.01), suggests "at least one function" that alters the function of the interface based on user input and it appears from Figure 15 in Hoffberg that "at least one function" has been analyzed to predict the next action on the interface. The present application specification, states the following : "[0077] The adaptive system is preferably able to analyze the user behavior by analyzing a plurality of user interactions with the mobile information device, after which more preferably the adaptive system compares the plurality of user interactions to at least one predetermine pattern, to see whether the predetermined pattern is associated with altering at least one function of the user interface. Alternatively or additionally, the analysis may optionally include comparing the plurality of user interactions to at least one pattern of previously detected user behavior, wherein the pattern of previously detected user behavior is associated with altering at least one function of the user interface." Therefore, the Examiner has interpreted the claim in light of the specification by applying the plain meaning to the terms "pattern of interaction" and "proactively altering a function", because Hoffberg teaches tracking user input and modify the interface based on the historical input by predicting the users next action and presenting the action on the interface as shown in figure 15. Moreover, the accompanying text for figure 15, (see column 83 bottom through column 87 line 40), specifically, column 86, lines 34-67, teaches the interface is taught by user input and the system analyzes the input to present the next interface choices to the user. In the same embodiment of the VCR interface, which is a programmable interface, See Figure 23, shows a pattern recognition system that uses adaptive pattern recognition techniques (See column 110, lines 58-67). The adaptive pattern recognition that predicts user input as shown in figure 15, is further described (see column 111, lines 1-67 thru column 112, lines 1-67), specifically, column 11, lines 1-25. Hoffberg teaches the adaptive interface allows the system to predict or to anticipate the intent of the user to provide the choice on the interface, which in the Examiners interpretation, is a proactive function of the interface that adapts the interface based on at least on function and is user input or history of user input. For example, a history of input is stored in the database and the most likely input is provided based on the history. Hoffberg, teaches further examples of adaptive input with the VCR interface using pattern recognition to modify the interface (See column 118, lines 25-45 and column 119, lines 5-16). Finally, Hoffberg teaches modifying the interface based on a context sensitive characteristic of the interface where feature sets can be used based on the user. The data set presented in the features set is analyzed and compared to recognized patterns and modifies the interface based on the pattern recognition to present context functions related to the user automatically See column 143, lines 14-67 and column 144, lines 1-60). Therefore, while the Examiner points to column 85 and figure 15, the reference discloses several incorporated by reference patents that teach what is known in the prior art of pattern recognition to modify an interface based on user interaction, the reference refers to the programming of a VCR that is shown in several sections on the reference. The pattern recognition techniques, as referred to in the rejection, pointing to column 10, are what is discussed in Hoffberg and the cited sections above and contrary to applicant's assertion a second reference is not used to reject the claims. In conclusion, the request for reconsideration has been considered and the claims remain rejected over the final rejection mailed 02/07/2008.